

AMENDED IN ASSEMBLY JUNE 24, 2010

AMENDED IN ASSEMBLY JUNE 3, 2010

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1007

Introduced by Senator Hancock

(Coauthors: Senators DeSaulnier, Denham, Liu, and Strickland)

(Coauthor: Assembly Member Gatto)

February 10, 2010

An act to amend Sections 82023, 82024, 82036, 82036.5, 84101, 84200.5, 84215, and 85204 of, to add Section 84200.9 to, and to repeal and add Section 84225 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, as amended, Hancock. Political Reform Act of 1974: retirement system boards.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and requires candidates for elective office, candidates for elective state office, and committees formed or existing primarily to support or oppose those candidates to file specified reports disclosing contributions and independent expenditures made in connection with the campaigns of those candidates.

Existing law further establishes the Board of Administration of the Public Employees' Retirement System to administer the Public Employees' Retirement System and the Teachers' Retirement Board to administer the State Teachers' Retirement System. Existing law specifies the composition of those boards and requires that designated positions on the boards be filled by election. With limited exception,

as specified, candidates for election to those boards are not required to comply with the various reporting requirements imposed by the Political Reform Act of 1974.

This bill would revise the definitions of “elective office” and “elective state office” for purposes of the Political Reform Act of 1974 to include membership on the boards described above and would repeal the provision that exempts from the act candidates for election to those boards, thereby subjecting those candidates, and committees formed or existing primarily to support or oppose those candidates, to the reporting requirements of the act. The bill would further make conforming changes to provisions of the act relating to the reporting of late contributions, the reporting of late independent expenditures, the filing of committee organization statements, and the filing of campaign statements and preelection statements. In addition, the bill would give the Fair Political Practices Commission the authority to adopt regulations to tailor the act’s reporting and disclosure requirements for those candidates and committees consistent with the purposes and provisions of the act.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82023 of the Government Code is
2 amended to read:

1 82023. “Elective office” means any state, regional, county,
2 municipal, district or judicial office that is filled at an election.
3 “Elective office” also includes membership on a county central
4 committee of a qualified political party, and membership through
5 election on the Board of Administration of the Public Employees’
6 Retirement System or the Teachers’ Retirement Board.

7 SEC. 2. Section 82024 of the Government Code is amended
8 to read:

9 82024. “Elective state office” means the office of Governor,
10 Lieutenant Governor, Attorney General, Insurance Commissioner,
11 Controller, Secretary of State, Treasurer, Superintendent of Public
12 Instruction, Member of the Legislature, member elected to the
13 Board of Administration of the Public Employees’ Retirement
14 System, member elected to the Teachers’ Retirement Board, and
15 member of the State Board of Equalization.

16 SEC. 3. Section 82036 of the Government Code is amended
17 to read:

18 82036. “Late contribution” means any of the following:

19 (a) Any contribution, including a loan, that totals in the
20 aggregate one thousand dollars (\$1,000) or more and is made to
21 or received by a candidate, a controlled committee, or a committee
22 formed or existing primarily to support or oppose a candidate or
23 measure before the date of the election at which the candidate or
24 measure is to be voted on but after the closing date of the last
25 campaign statement required to be filed before the election. For
26 purposes of the Board of Administration of the Public Employees’
27 Retirement System and the Teachers’ Retirement Board, “the date
28 of the election” is the deadline to return ballots.

29 (b) Any contribution, including a loan, that totals in the
30 aggregate one thousand dollars (\$1,000) or more and is made to
31 or received by a political party committee, as defined in Section
32 85205, before the date of any state election but after the closing
33 date of the last campaign statement required to be filed before the
34 election.

35 SEC. 4. Section 82036.5 of the Government Code is amended
36 to read:

37 82036.5. “Late independent expenditure” means any
38 independent expenditure that totals in the aggregate one thousand
39 dollars (\$1,000) or more and is made for or against any specific
40 candidate or measure involved in an election before the date of

1 the election but after the closing date of the last campaign statement
2 required to be filed prior to the election by a candidate or
3 committee participating in the election. For purposes of the Board
4 of Administration of the Public Employees' Retirement System
5 and the Teachers' Retirement Board, "the date of the election" is
6 the deadline to return ballots.

7 SEC. 5. Section 84101 of the Government Code is amended
8 to read:

9 84101. (a) A committee that is a committee by virtue of
10 subdivision (a) of Section 82013 shall file a statement of
11 organization. The committee shall file the original of the statement
12 of organization with the Secretary of State and shall also file a
13 copy of the statement of organization with the local filing officer,
14 if any, with whom the committee is required to file the originals
15 of its campaign reports pursuant to Section 84215. The original
16 and copy of the statement of organization shall be filed within 10
17 days after the committee has qualified as a committee. The
18 Secretary of State shall assign a number to each committee that
19 files a statement of organization and shall notify the committee of
20 the number. The Secretary of State shall send a copy of statements
21 filed pursuant to this section to the county elections official of each
22 county that he or she deems appropriate. A county elections official
23 who receives a copy of a statement of organization from the
24 Secretary of State pursuant to this section shall send a copy of the
25 statement to the clerk of each city in the county that he or she
26 deems appropriate.

27 (b) In addition to filing the statement of organization as required
28 by subdivision (a), if a committee qualifies as a committee under
29 subdivision (a) of Section 82013 before the date of an election in
30 connection with which the committee is required to file preelection
31 statements, but after the closing date of the last campaign statement
32 required to be filed before the election pursuant to Section 84200.7,
33 84200.8, or 84200.9, the committee shall file, by facsimile
34 transmission, guaranteed overnight delivery, or personal delivery
35 within 24 hours of qualifying as a committee, the information
36 required to be reported in the statement of organization. The
37 information required by this subdivision shall be filed with the
38 filing officer with whom the committee is required to file the
39 originals of its campaign reports pursuant to Section 84215.

1 (c) If an independent expenditure committee qualifies as a
2 committee pursuant to subdivision (a) of Section 82013 during the
3 time period described in Section 82036.5 and makes independent
4 expenditures of one thousand dollars (\$1,000) or more to support
5 or oppose a candidate or candidates for office, the committee shall
6 file, by facsimile transmission, online transmission, guaranteed
7 overnight delivery, or personal delivery within 24 hours of
8 qualifying as a committee, the information required to be reported
9 in the statement of organization. The information required by this
10 section shall be filed with the filing officer with whom the
11 committee is required to file the original of its campaign reports
12 pursuant to Section 84215, and shall be filed at all locations
13 required for the candidate or candidates supported or opposed by
14 the independent expenditures. The filings required by this section
15 are in addition to filings that may be required by Sections 84203.5
16 and 84204.

17 (d) For purposes of this section, in calculating whether one
18 thousand dollars (\$1,000) in contributions has been received,
19 payments for a filing fee or for a statement of qualifications to
20 appear in a sample ballot shall not be included if these payments
21 have been made from the candidate's personal funds.

22 SEC. 6. Section 84200.5 of the Government Code is amended
23 to read:

24 84200.5. In addition to the campaign statements required by
25 Section 84200, elected officers, candidates, and committees shall
26 file preelection statements as follows:

27 (a) During an even-numbered year, all candidates for elective
28 state office being voted upon in the statewide direct primary
29 election or the statewide general election, their controlled
30 committees, and committees primarily formed to support or oppose
31 an elected state officer or a state candidate being voted upon shall
32 file the applicable preelection statements specified in Section
33 84200.7 or 84200.8. All elected state officers who, during the
34 applicable reporting periods covered by Section 84200.7 or
35 84200.8, contribute to any committee required to report receipts,
36 expenditures, or contributions pursuant to this title, or make an
37 independent expenditure, shall file the applicable preelection
38 statements specified in Section 84200.7 or 84200.8. However, a
39 candidate for an office that is not being voted upon in the
40 November election, his or her controlled committee, and any

1 committee primarily formed to support or oppose that candidate
2 is not required to file statements in connection with the November
3 election pursuant to subdivision (b) of Section 84200.7 unless,
4 during the reporting periods covered by Section 84200.7, the
5 candidate, his or her controlled committee, or any committee
6 primarily formed to support or oppose that candidate contributes
7 to any committee required to report receipts, expenditures, or
8 contributions pursuant to this title or makes independent
9 expenditures.

10 (b) During an even-numbered year, all candidates not specified
11 in subdivision (a) who are running for offices being voted upon
12 on the first Tuesday after the first Monday in June or November,
13 their controlled committees, and committees primarily formed to
14 support or oppose those candidates or a measure being voted upon
15 on the first Tuesday after the first Monday in June or November
16 of an even-numbered year shall file the preelection statements
17 specified in subdivision (a) of Section 84200.7 in the case of a
18 June election, or subdivision (b) of Section 84200.7 in the case of
19 a November election.

20 (c) All candidates for offices being voted upon on a date other
21 than the first Tuesday after the first Monday in June or November
22 of an even-numbered year, their controlled committees, and
23 committees primarily formed to support or oppose a candidate or
24 a measure being voted upon on a date other than the first Tuesday
25 after the first Monday in June or November of an even-numbered
26 year shall file the preelection statements specified in Section
27 84200.8.

28 (d) During an election period for the Board of Administration
29 of the Public Employees' Retirement System or the Teachers'
30 Retirement Board, all candidates for these boards, their controlled
31 committees, and committees primarily formed to support or oppose
32 the candidates shall file the preelection statements specified in
33 Section 84200.9.

34 (e) In an even-numbered year in which the statewide direct
35 primary election is held on the first Tuesday after the first Monday
36 in June, a state or county general purpose committee formed
37 pursuant to subdivision (a) of Section 82013, other than a political
38 party committee as defined in Section 85205, shall file the
39 preelection statements specified in Section 84200.7 if it makes
40 contributions or independent expenditures totaling five hundred

dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.7.

(f) During an even-numbered year in which the statewide direct primary election is held on a date other than the first Tuesday after the first Monday in June, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, other than a political party committee as defined in Section 85205, shall file the preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.8.

(g) During an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the preelection statements specified in Section 84200.9 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement to support or oppose a candidate, or a committee primarily formed to support or oppose a candidate, on the ballot for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.9.

(h) A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.7 or 84200.8 in connection with a state election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more, during the period covered by the preelection statement.

(i) City general purpose committees shall file statements as follows:

(1) City general purpose committees in a city that has an election on the first Tuesday after the first Monday in June or November

1 of an even-numbered year shall file the statements specified in
2 subdivision (a) or (b) of Section 84200.7 for the six-month period
3 in which the city election is held, if they make contributions or
4 independent expenditures totaling five hundred dollars (\$500) or
5 more during the period covered by the preelection statement.

6 (2) City general purpose committees in a city that has an election
7 on a date other than the first Tuesday after the first Monday in
8 June or November of an even-numbered year shall file the
9 preelection statements specified in Section 84200.8 if they make
10 contributions or independent expenditures totaling five hundred
11 dollars (\$500) or more during the period covered by the preelection
12 statement.

13 SEC. 7. Section 84200.9 is added to the Government Code, to
14 read:

15 84200.9. Preelection statements for an election period for the
16 Board of Administration of the Public Employees' Retirement
17 System or the Teachers' Retirement Board shall be filed as follows:

18 (a) For the period ending five days before the beginning of the
19 ballot period, as determined by the relevant board, a statement
20 shall be filed no later than two days before the beginning of the
21 ballot period.

22 (b) For the period ending five days before the deadline to return
23 ballots, as determined by the relevant board, a statement shall be
24 filed no later than two days before the deadline to return ballots.

25 (c) In the case of a runoff election, for the period ending five
26 days before the deadline to return runoff ballots, as determined by
27 the relevant board, a statement shall be filed no later than two days
28 before the deadline to return runoff ballots.

29 (d) All candidates being voted upon, their controlled committees,
30 and committees primarily formed to support or oppose a candidate
31 being voted upon in that election shall file the statements specified
32 in subdivisions (b) and (c) by guaranteed overnight delivery service
33 or by personal delivery.

34 ~~SEC. 8. Section 84215 of the Government Code is amended~~
35 ~~to read:~~

36 ~~84215. All candidates and elected officers and their controlled~~
37 ~~committees, except as provided in subdivisions (e) and (f), shall~~
38 ~~file one copy of the campaign statements required by Section 84200~~
39 ~~with the elections official of the county in which the candidate or~~
40 ~~elected official is domiciled, as defined in subdivision (b) of~~

~~Section 349 of the Elections Code. In addition, campaign statements shall be filed at the following places:~~

~~(a) Statewide elected officers and candidates for these offices other than the Board of Equalization, Supreme Court justices, their controlled committees, committees formed or existing primarily to support or oppose these candidates, elected officers, Supreme Court justices, or statewide measures, or the qualification of state ballot measures, and all state general purpose committees and filers not specified in subdivisions (b) to (f), inclusive:~~

~~(1) The original and one copy with the Secretary of State.~~

~~(2) One copy with the Registrar-Recorder of Los Angeles County.~~

~~(3) One copy with the Registrar of Voters of the City and County of San Francisco.~~

~~(b) Members of the Legislature or Board of Equalization, court of appeal justices, superior court judges, candidates for those offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or officeholders:~~

~~(1) The original and one copy with the Secretary of State.~~

~~(2) One copy with the elections official of the county with the largest number of registered voters in the districts affected.~~

~~(c) Elected officers in jurisdictions other than legislative districts, Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.~~

~~(d) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (c), and county general purpose committees shall file the original and one copy with the elections official of the county.~~

~~(e) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon~~

1 in one city, and city general purpose committees shall file the
2 original and one copy with the clerk of the city. These elected
3 officers, candidates, and committees need not file with the elections
4 official of the county in which they are domiciled.

5 (f) Elected members of the Board of Administration of the Public
6 Employees' Retirement System, elected members of the Teachers'
7 Retirement Board, candidates for these offices, their controlled
8 committees, and committees formed or existing primarily to
9 support or oppose these candidates or elected members shall file
10 the original and one copy with the Secretary of State, and a copy
11 shall be filed at the relevant board's office in Sacramento. These
12 elected officers, candidates, and committees need not file with the
13 elections official of the county in which they are domiciled.

14 (g) Notwithstanding any other provision of this section, a
15 committee, candidate, or elected officer is not required to file more
16 than the original and one copy, or one copy, of a campaign
17 statement with any one county elections official or city clerk or
18 with the Secretary of State.

19 (h) If a committee is required to file campaign statements
20 required by Section 84200 or 84200.5 in places designated in
21 subdivisions (a) to (e), inclusive, it shall continue to file these
22 statements in those places, in addition to any other places required
23 by this title, until the end of the calendar year.

24 *SEC. 8. Section 84215 of the Government Code, as amended*
25 *by Chapter 18 of the Statutes of 2010, is amended to read:*

26 84215. All candidates and elected officers and their controlled
27 committees, except as provided in ~~subdivision~~ subdivisions (d)
28 and (e), shall file one copy of the campaign statements required
29 by Section 84200 with the elections official of the county in which
30 the candidate or elected official is domiciled, as defined in
31 subdivision (b) of Section 349 of the Elections Code. In addition,
32 campaign statements shall be filed at the following places:

33 (a) Statewide elected officers, including members of the State
34 Board of Equalization; Members of the Legislature; Supreme Court
35 justices, court of appeal justices, and superior court judges;
36 candidates for those offices and their controlled committees;
37 committees formed or existing primarily to support or oppose these
38 candidates, elected officers, justices and judges, or statewide
39 measures, or the qualification of state ballot measures; and all state
40 general purpose committees and filers not specified in subdivisions

(b) to (e), inclusive, shall file a campaign statement by online or electronic means, as specified in Section 84605, and shall file the original and one copy of the campaign statement in paper format with the Secretary of State.

(b) Elected officers in jurisdictions other than legislative districts, State Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.

(c) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (d), and county general purpose committees shall file the original and one copy with the elections official of the county.

(d) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city and are not required to file with the local elections official of the county in which they are domiciled.

(e) Elected members of the Board of Administration of the Public Employees' Retirement System, elected members of the Teachers' Retirement Board, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or elected members shall file the original and one copy with the Secretary of State, and a copy shall be filed at the relevant board's office in Sacramento. These elected officers, candidates, and committees need not file with the elections official of the county in which they are domiciled.

~~(e)~~

~~(f) Notwithstanding the above any other provision of this section, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy, of a campaign~~

1 statement with any one county elections official or city clerk or
2 with the Secretary of State.

3 (f)

4 (g) If a committee is required to file campaign statements
5 required by Section 84200 or 84200.5 in places designated in
6 subdivisions (a) to (d), inclusive, it shall continue to file these
7 statements in those places, in addition to any other places required
8 by this title, until the end of the calendar year.

9 SEC. 9. Section 84225 of the Government Code is repealed.

10 SEC. 10. Section 84225 is added to the Government Code, to
11 read:

12 84225. The provisions of this title apply to candidates for
13 election to the Board of Administration of the Public Employees'
14 Retirement System or the Teachers' Retirement Board, and to
15 committees formed or existing primarily to support or oppose those
16 candidates. The Commission may adopt regulations to tailor the
17 reporting and disclosure requirements for these candidates and
18 committees consistent with the purposes and provisions of this
19 title.

20 SEC. 11. Section 85204 of the Government Code is amended
21 to read:

22 85204. "Election cycle," for purposes of Sections 85309 and
23 85500, means the period of time commencing 90 days prior to an
24 election and ending on the date of the election. For purposes of
25 the Board of Administration of the Public Employees' Retirement
26 System and the Teachers' Retirement Board, "the date of the
27 election" is the deadline to return ballots.

28 SEC. 12. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

37 SEC. 13. The Legislature finds and declares that this bill
38 furthers the purposes of the Political Reform Act of 1974 within

1 the meaning of subdivision (a) of Section 81012 of the Government
2 Code.

O